

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-24 were pending in the application, of which Claims 1, 23, and 24 are independent. In the Office Action dated November 5, 2003, Claims 1-24 were rejected under 35 U.S.C. §102(b), and the abstract, specification, and drawings were objected to.

Applicant thanks Examiner Roche for the courtesy of an interview on February 26, 2004, requested by the undersigned to discuss the rejection of the current claims under 35 U.S.C. § 102. During the interview, proposed arguments were discussed. The Examiner raised concerns about claim language to which Applicants address in this Amendment. As a result of the interview, the Examiner stated that further consideration will be required.

Following this response, Claims 1-24 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

I. Objection to the Drawings

In the Office Action dated November 5, 2003, the Examiner objected to the drawings as being informal. Subject to the approval of the Examiner, it is proposed to replace originally filed FIGs. 1-28 with the attached substitute FIGs. 1-28. Applicant respectfully submits that substitute FIGs. 1-28 overcome this objection and add no new matter.

II. Objection to the Specification

In the Office Action, the Examiner objected to the specification because of various informalities. The specification has been amended, and Applicant respectfully submits that the amendments overcome this objection and add no new matter.

III. Objection to the Abstract

In the Office Action, the Examiner objected to the Abstract of the Disclosure as being improper. The Abstract has been replaced with a Substitute Abstract attached to this Amendment, and Applicant respectfully submits that the Substitute Abstract overcomes this objection and adds no new matter.

IV. Rejection of the Claims Under 35 U.S.C. § 102(b)

In the Office Action, the Examiner rejected Claims 1-24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent. No. 5,511,172 ("*Kimura*"). Claims 1, 23, and 24 have been amended, and Applicant respectfully submits that the amendments overcome this rejection and add no new matter. Support for these amendments can at least be found in the first paragraph on page 50 of the specification.

Amended Claim 23 is patentably distinguishable over the cited art in that it recites, for example, "moving an instruction sequence speculatively executable forward an instruction sequence not speculatively executable in the program" and "replacing a condition instruction by a commit instruction, the commit instruction including a condition, task numbers to be accepted if the condition is not satisfied and task numbers

to be rejected if the condition is satisfied." Amended Claims 1 and 24 include similar recitations.

In contrast, *Kimura* at least does not disclose moving an instruction sequence speculatively executable forward of an instruction sequence not speculatively executable in the program. For example, *Kimura* discloses, at a decode timing of a conditional branch instruction: i) obtaining an operand of the conditional branch instruction; and ii) calculating a branching instruction address. (See paragraph bridging cols. 10 and 11.) In *Kimura*, by referring to the operand and the branching instruction address, the instructions to be speculatively executed are determined and issued to the execution units. (See col. 10, line 11 through col. 11, line 5.) In other words, *Kimura* discloses, that until the conditional branch instruction is decoded, the instructions to be speculatively executed are not determined and not issued to the execution units. However, *Kimura* does not disclose, at a decode/execution timing of the scheduled program, the instruction sequence speculatively executable is executed before decoding the condition instruction. Furthermore, nowhere does *Kimura* disclose replacing a condition instruction by a commit instruction, the commit instruction including a condition, task numbers to be accepted if the condition is not satisfied and task numbers to be rejected if the condition is satisfied.

In sum, *Kimura* does not anticipate the claimed invention because *Kimura* at least does not disclose moving an instruction sequence speculatively executable forward an instruction sequence not speculatively executable in the program, as recited by amended Claim 23. Amended Claims 1 and 24 include similar recitations. Accordingly, independent Claims 1, 23, and 24 patentably distinguish the present

invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 1, 23, and 24.

Dependent Claims 2-22 are also allowable at least for the reasons above regarding independent Claim 1, and by virtue of their dependency upon independent Claim 1. Accordingly, Applicant respectfully requests withdrawal of the rejection of dependent Claims 2-22.

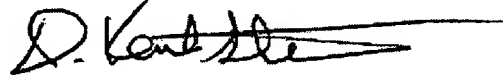
V. Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 5, 2004

By: _____

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